

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Kolodner et al.

Application No.: 09/470,276

Filed: 12/22/1999

For: METHOD OF DETECTION OF ALTERATIONS IN MSH5

Box AF  
 Assistant Commissioner for  
 Washington, D.C. 20231

Group No.: 1655

Examiner: Fredman, J.

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**RESPONSE UNDER  
 37 C.F.R. 1.116  
 EXPEDITED PROCEDURE  
 EXAMINING GROUP  
1655**

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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Patricia W. Turner

Signature

Patricia W. Turner

(type or print name of person certifying)

Date: 10/22/01

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## AMENDMENT OR RESPONSE AFTER FINAL REJECTION,TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

**NOTE** Response to Final Rejection,Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591). See M.P.E.P. § 714.13, 6th ed., rev. 3.

### STATUS

2. Applicant is

a small entity. A statement:  
 is attached.  
 was already filed.  
 other than a small entity.

### EXTENSION OF TERM

**NOTE:** As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

3. (complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00

Fee: \$ 55.00

If additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 55.00

OR

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3) SMALL ENTITY	OTHER THAN A SMALL ENTITY
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra Rate	Addit. Fee OR Rate
Total	*	Minus **	= x \$9 = \$
Indep.	*	Minus ***	= x \$39 = \$
[ ] First Presentation of Multiple Dependent Claim		+ \$130 = \$	+ \$260 = \$
		Total Addit. Fee \$	OR Total Addit. Fee \$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

(c)  No additional fee is required.

OR

(d)  Total additional fee required is \$ \_\_\_\_\_.

**FEE PAYMENT**

5.  Attached is a check in the sum of \$ 55.00.  
 Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

**NOTE:** Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 50-0850.

**AND/OR**

Please charge Account 50-0850 for any fee deficiency or credit to account any overpayment.



SIGNATURE OF PRACTITIONER

Reg. No.: 30,628

Ronald I. Eisenstein

(type or print name of practitioner)

Tel. No.: (617) 345-6054

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Customer No.: 26248

101 Federal Street

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Boston, MA 02110



DOCKET NO. 0157/47483-C

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kolodner et al.

Application No.: 09/470,276

Group No.: 1655

Filed: December 22, 1999

Examiner: Fredman, J.

FOR: METHOD OF DETECTION OF ALTERATIONS IN MSH5

Assistant Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Box AF, Assistant Commissioner of Patents, Washington, DC 20231:

Response Under 37 C.F.R. 1.116 (5 pages);

Amendment or Response After Final Rejection Transmittal (4 pages);

Check for \$55.00;

Certificate of Mailing (1 page); and

Return Receipt Postcard.

Date: 10/22/01

Patricia W. Turner  
Patricia W. Turner



RESPONSE UNDER

37 C.F.R. 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Kolodner et al.

EXAMINER: Fredman, J.

SERIAL NO.: 09/470,276

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FILED: December 22, 1999

FOR: METHOD OF DETECTION OF ALTERATIONS IN MSH5

Assistant Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT UNDER 37 C.F.R. 1.116**

In response to the final Office Action dated June 21, 2001, enclosed is a petition for a one month extension of time and payment of fee.

Please amend the application as follows:

**IN THE CLAIMS**

Please cancel claims 1, 5, 9, 11 and 13-38.

2. An isolated and purified nucleotide segment having the sequence as set forth in SEQ ID NO:1, wherein said segment is no more than 6000 nucleotides.

3. An isolated nucleotide segment of no more than 3000 nucleotides containing a fragment of at least 17 contiguous nucleotides as set forth in SEQ ID NO:1, with the exception that said fragment cannot be selected only from base pairs 1908-2900.